

EXHIBIT A

City of Philadelphia Ordinance 508 of 1993

*struck due to firearms preemption in
Ortiz v. Commonwealth, 681 A. 2d 152 (Pa. 1996)*

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SECTION 3. The City Solicitor may include in the Agreement authorized in Section 1 of this Ordinance such other reasonable terms and conditions as she may deem necessary and desirable to protect the interests of the City.

Approved the fifteenth day of June, A.D. 1993.

EDWARD G. RENDELL,

Mayor of Philadelphia.

*Bill No. 546

*AN ORDINANCE

Explanation:

[Brackets] indicate matter deleted.

Italics indicate new matter added.

Amending Section 10-821 of The Philadelphia Code related to the possession and transfer of contraband weapons, and Section 10-810 of The Philadelphia Code related to Weapons and Dangerous Devices, by making findings regarding the need to further regulate dangerous weapons, by prohibiting and establishing penalties for the manufacture, use, ownership, possession, transfer, sale and delivery of weapons, ammunition and accessories that have no common lawful purpose, by authorizing the confiscation and surrender of such weapons in certain circumstances; and by authorizing the Police Commissioner to subject additional weapons and devices to the controls of this ordinance; all subject to certain terms and conditions.

The Council of the City of Philadelphia hereby ordains:

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SECTION 1. Section 10-821 of The Philadelphia Code is hereby amended to read as follows:

SECTION 10-821. Contraband Weapons, Accessories and Ammunition.

(1) *Legislative Findings.*

(a) *Under the laws of this Commonwealth, personal possession of weapons that have common lawful uses such as personal defense, hunting and other sporting uses, is permitted. 18 P.S. 6101, et seq. However, possession of a variety of specified weapons and devices that have no ordinary defensive or sporting use is deemed to be a misdemeanor of the first degree 18 Pa. C.S.A. 908(a). In addition, Pennsylvania outlaws all weapons and devices that in general "have no common lawful purpose." id.*

(b) *The Council finds that the use of offensive weapons as implements of serious crime in Philadelphia represents an increasing danger to the lives and safety of all the residents thereof. In particular, certain paramilitary assault weapons have become the weapons of choice of those engaged in drug trafficking and other enterprises of organized crime. The threat to the lives of Philadelphia police officers has become particularly acute as a result of this recent trend.*

(c) *The Council finds that it would be useful for law enforcement purposes to supplement the prohibitions of Pennsylvania laws regarding offensive weapons by making possession, manufacture, transfer, delivery, sale and use of such weapons a violation of The Philadelphia Code, subject to certain exceptions. In so doing the Council*

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finds that it will be useful to specifically include within the ban a variety of weapons and devices not yet expressly listed as offensive weapons under the Pennsylvania statute, though implicitly prohibited thereunder as having "no common lawful purpose." This list should include, but not be limited to, paramilitary assault weapons, and the ammunition and accessories for such weapons, as well as a variety of other devices that have created special problems for local law enforcement in recent years.

[(1)](2) Definitions.

(a) Assault Weapons. All semi-automatic firearms, or firearm parts, designated as assault weapons herein. Such term shall include all versions of the following, including firearms sold under the designation provided in this subsection and firearms which are determined by the Philadelphia Police Commissioner by regulation to be substantially similar in function and design to such firearms sold under any designation:

- (.1) Algimec AGM 1 type;*
- (.2) any shotgun with a revolving cylinder such as the "Street Sweeper" or "Striker 12";*
- (.3) Armalite AR-180 type;*
- (.4) Australian Automatic Arms SAR;*
- (.5) Automat Kalashnikov type semi-automatic firearms;*
- (.6) Beretta AR-70 and BM59 semi-automatic firearms;*
- (.7) Bushmaster Assault Rifle;*

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- (.8) *Calico M-900 Assault carbine and M-900;*
- (.9) *CETME G3;*
- (.10) *Chartered Industries of Singapore SR-88 type;*
- (.11) *Colt AR-15 and CAR-15 series;*
- (.12) *Daewoo K-1, K-2, Max 1 and Max 2, AR 100 types;*
- (.13) *Demro TAC-1 carbine type*
- (.14) *Encom MP-9 and MP-45 carbine types;*
- (.15) *FAMAS MAS 223 types;*
- (.16) *FN-FAL, FN-LAR, or FN-FNC type semi-automatic firearms;*
- (.17) *Franchi SPAS 12 and LAW 12 shotguns;*
- (.18) *G3SA type;*
- (.19) *Galil type;*
- (.20) *Heckler and Koch HK91, HK93, HK94, MP5, PSG-1;*
- (.21) *Intratec TEC 9 and 22 semi-automatic firearms;*
- (.22) *M1 carbine type;*
- (.23) *M14S type;*
- (.24) *MAC 10, MAC 11, MAC 11-99mm carbine type firearms;*
- (.25) *PJK M-68 carbine type;*
- (.26) *Plainfield Machine Company Carbine;*

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- (.27) *Ruger K-Mini-14/5F and Mini-14/5RF;*
- (.28) *SIG AMT, SIG 550SP, SIG551SP, SIGPE-57 types;*
- (.29) *SKS with detachable magazine type;*
- (.30) *Spectre Auto carbine type;*
- (.31) *Springfield Armory BM59 and SAR-48 type;*
- (.32) *Steyr A.U.G. semi-automatic type shotgun;*
- (.33) *Uzi type semi-automatic firearms;*
- (.34) *USAS 12 semi-automatic type shotgun;*
- (.35) *Valmet M62, M71S, M76, or M78 type semi-automatic weapons;*
- (.36) *Weaver Arm Nighthawk;*
- (.37) *A semi-automatic shotgun with either a magazine capacity exceeding six rounds, a pistol grip, or a folding stock;*
- (.38) *A semi-automatic rifle or gun with a magazine capacity exceeding ten (10) rounds;*
- (.39) *A part or combination of parts designed or intended to convert a firearm into an assault weapon, or any combination of parts from which an assault weapon may be readily assembled if those parts are in the possession or under the control of the same person.*
- (b) *Contraband Weapons, Accessories and/or Ammunition. Any assault weapon, bazooka, recoilless rifle, grenade, rifle grenade launcher, anti-tank gun, flame-thrower, rocket, mortar, bomb, mine, bobby trap,*

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large capacity magazine, large capacity ammunition belt, firearm silencer, expanding type conical bullet available in handgun chamberings, or other weapon, device, accessory or ammunition, designed or intended to cause injury or death to persons or damage to property for which no common lawful purpose exists, any item defined as an "offensive weapon" under the Act of December 6, 1972, P.L. 1482, No. 334, sec. 1, as amended, 18 Pa. C.S.A. 908(c) or any other military style weapon from which a projectile, harmful fluid or gas may be propelled.

(c) Firearm Silencer. Any instrument, attachment, weapon or appliance for causing the firing of any gun, revolver pistol or other firearm to be silent, or intended to lessen or muffle the noise of the firing of any gun, revolver, pistol or other firearm.

(d) Inoperable. The alteration of an assault weapon, or its ammunition, in such a manner that it cannot be fired and that the owner or possessor of the firearm does not possess or have control over the parts necessary to make the firearm operable.

(e) Large Capacity Magazine. Any box, drum or other container which holds more than ten (10) rounds of ammunition to be fed continuously and directly therefrom into a semi-automatic firearm, or a magazine which can be readily converted into such a device.

(f) Large Capacity Ammunition Belt. A belt or strip which holds more than ten (10) rounds of ammunition to be fed continuously into a semi-automatic firearm, or an ammunition belt which can be readily converted into a large-capacity ammunition belt.

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(g) *Pistol Grip.* A well-defined handle, similar to that found on a handgun, that protrudes conspicuously beneath the action of the weapon, and which permits the shotgun to be held and fired with one hand.

(h) *Semi-Automatic.* A firearm which fires a single projectile for each single pull of the trigger and its self-reloading or automatically chambers a round, cartridge, or bullet without additional slide, bolt or other manual action.

[(2)](3) *Prohibited Conduct.* No person shall own, use, possess or transfer any contraband weapon[.], accessory or ammunition; provided however, that any person who, prior to the effective date of Ordinance No. 508 (1993) was legally in possession of a weapon or device prohibited by this section shall have thirty (30) days from the effective date of said section to do any of the following without being subject to prosecution hereunder;

(a) *remove said contraband weapon, accessory or ammunition from within the City limits of Philadelphia;*
or

(b) *modify said contraband weapon, accessory or ammunition to either render it permanently inoperable or to permanently make it a device no longer defined as contraband under this section; or*

(c) *surrender it to the Police Department.*

[(3)](4) *Exemption.* [This ordinance shall not apply to any weapon owned or controlled by any governmental body while in the care of authorized government personnel.]

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(a) *This section shall not apply to:*

(.i) employees of the Philadelphia Police Department, and the Philadelphia Sheriff's Department when conduct otherwise prohibited by this section is authorized by rules promulgated by such Department; and;

(.ii) retired former employees of the Philadelphia Police Department and the Philadelphia Sheriff's Department with respect to weapons they purchased with personal funds and which they were authorized to use in the line of duty during their period of employment with such Department.

(b) The Police Department shall, by regulation, specify procedures whereby persons permitted to own, possess, transfer, deliver, or manufacture contraband weapons notwithstanding the provisions of this section may obtain certification of such exempt status, upon proving the basis of their exemption, and upon payment of a reasonable fee set by the Department to defray the cost of such certification process.

[(4)](5) Any person violating any provision of this section shall be subject to a fine of not more than three hundred (300) dollars and to imprisonment for not more than ninety (90) days or both. Prosecution under this section shall be subject to the defenses and exemptions set forth in 18 Pa. C.S.A. 908(b), as amended.

SECTION 2. Section 10-810 of The Philadelphia Code is hereby amended to read as follows:

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SECTION 10-810. Weapons and Dangerous Devices.

* * *

(6) Penalties. Whoever violates any provision of this section or *Section 10-821* shall, in addition to other penalties provided, forfeit [such] *the* weapon, *contraband*, or dangerous device *giving rise to the violation of such section.*

(7) Confiscation. Policemen shall seize and deliver into departmental custody any air gun, air pistol, spring gun, switch blade knife, incendiary paper, *contraband*, or other implement which shall be used, discharged, possessed, offered for sale or carried in violation of Section 10-810 or *10-821.*

SECTION 3. Severability.

The provisions of this ordinance are severable. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this ordinance which can be given without the invalid provision or application.

Explanation:

[*Brackets*] indicate matter deleted.
Italics indicate new matter added.

Approved the seventeenth day of June, A.D. 1993.

EDWARD G. RENDELL,

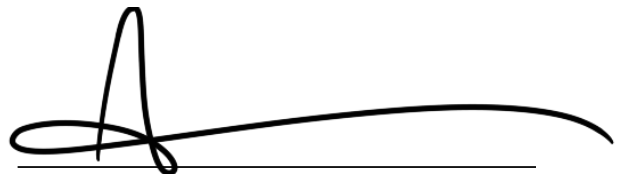
Mayor of Philadelphia.

*Bill No. 508

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of this **Plaintiff's Motion for Preliminary Injunction and Temporary Restraining Order** and any accompanying memorandum or other documents upon the Defendants or its Attorneys of Record via electronic case filing and via email to the Philadelphia City Solicitor Renee Garcia at `renee.garcia@phila.gov`, Chief Deputy City Solicitor Lydia Furst at `lydia.furst@phila.gov`, and Deputy City Solicitor Ryan Smith at `ryan.smith@phila.gov`.

Respectfully Submitted,

A handwritten signature in black ink, consisting of a large, stylized capital 'A' followed by a horizontal line that extends to the right and then curves upwards at the end.

Andrew B. Austin, Esq.
Attorney for Plaintiffs

DATED: June 24th 2024